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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,434	04/08/2004	William Wimsatt	CORA0001	7158

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EXAMINER	
HARTMAN JR, RONALD D	

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/820,434	WIMSATT, WILLIAM	
	Examiner	Art Unit	
	Ronald D. Hartman Jr.	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 20-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 20-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

2. Claim 9 contains the trademark/trade name Macromedia. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a specific program based graphical user interface and, accordingly, the identification/description is indefinite. Therefore, for examination purposes, any type of GUI is believed to be adequate to anticipate the claimed invention, so long as real-time monitoring and control is possible.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by McIlhany et al., U.S. Patent Application No. 2004/0167672.

As per claims 1 and 20, McIlhany et al. teaches a control system comprising:

- a plurality of control panels (e.g. "field panels"; Figure 1 elements 106a and 106b);
- a communication network coupling the control panels (e.g. Figure 1 element 112);
- a plurality of controlled devices (e.g. Figure 1 elements 108a – 108e and elements 109a – 109b), wherein each controlled device implements an interface for communicating control messages based on signaling protocol information, wherein the signaling protocol information differs for at least two of the controlled device interfaces (e.g. Interpreted to be the same as having controlled devices which operate under different communication protocols; [0027]);
- wherein processes implemented within each of the control panels are operable to generate command messages relevant to any one of the controlled devices and wherein processes implemented within each of the control panels are operable to handle status messages relevant to any one of the controlled devices (e.g. Interpreted to be the functional equivalent of allowing multiple field panels the ability to monitor and control the devices which affect the operations of a building, [0006]).

As per claim 2, McIlhany et al. teaches at least one controlled device being directly coupled to one of the control panels (e.g. Figure 1 element 107b).

As per claims 3 and 21, McIlhany et al. teaches a process executing in a control panel operable to receive a message from the network from another control panel and to interpret the message, and to generate a command message to one of the controlled devices associated with at least one of the control panels (e.g. Interpreted to be the functional equivalent of allowing the filed panels to communicate with another whereby a user can change the operations of any device using any field device since all of the field devices are interconnected and communicate with one another; Figure 1, [0006] and [0026]).

As per claims 4 and 22, McIlhany et al. teaches that a subsystem of controlled devices may communicate with another controlled device (e.g. [0026]).

5. Claims 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Baird et al., U.S. Patent No. 6,823,519.

As per claim 10, Baird et al. teaches a control unit (e.g. a computer) for a home automation system, the control unit comprising:

- a processor (e.g. Figure 1 element 21);
- memory coupled to the processor for storing data and programmed instructions (e.g. Figure 1 element 22);
- a communications interface configured to couple to external control subsystems (e.g. security devices; C6 L27-28);
- a network interface (e.g. Figure 1 element 53) configured to couple to other control units (e.g. Figure 1 element 49) and exchange control messages with the other control units;
- a plug-in framework executing on the processor (e.g. JAVA; C1 L64 – C2 L9) and a plurality of plug-in applications coupled with the plug-in framework and operable to perform specific functions related to generating and responding to home control messages using the network interface (e.g. software components; C2 L26-48); and
- discovery processes implemented in the processor, where the discovery processes interrogate other control systems and subsystems to learn device-specific signaling protocols for communicating control information with the interrogated systems and subsystems; C9 Table 1A).

As per claim 11, Baird et al. further teaches a built in library of platform drivers, wherein each driver implements specific functionality for controlling hardware on the home control unit (e.g. DLL; dynamic link libraries; C7 L48-62 and C8 L17-30).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 5-8 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIlhany et al., as applied to claims 1 and 20 above, in view of Smith et al., U.S. Patent No. 6,192,282.

As per claims 5 and 23, although McIlhany et al. teaches that the control panels may be comprised of their own programs (e.g. [0028]), McIlhany et al. does not specifically mention that the programming is implemented in a plug-in software framework.

Smith et al. teaches a improved building automation system which utilizes software modules for allowing the communication between different subsystems of the building automation system (e.g. Examiners Note: the disclosed software modules are interpreted to functionally correspond to the claimed plug-ins since they both are representative of software, per se, used to program the functions of the system; [0080]).

As per claim 6, since McIlhany et al. combined system teaches the utilization of more than one controller, or control points, wherein a user can change settings of the system using any one of the controllers, and since Smith et al. teaches that the control programs of the field panels, discussed by McIlhany et al., utilize software modules, it would appear that the independent operation of the panels is a feature which is obvious over the combined system of McIlhany et al. since each panel operates in accordance with what is contained therein, that is, based on the software provided in each panel.

As per claim 7, Smith et al. teaches a web server (e.g. connection to the Internet, or WWW, Figure 3 element 223) and the utilization of a GUI (e.g. [0092]).

As per claims 8 and 24, McIlhany et al. combined system obviously teaches the utilization of software drivers since, as already mentioned, Smith et al. teaches software modules utilized for functionality, and obviously these modules would be added based on the needs of the system, and this adding of features anticipates the claimed feature of allowing hardware drivers to be accessed, since the hardware drivers are software.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIlhany et al., as applied to claim 1 above, in view of Smith et al., U.S. Patent No. 6,192,282, as applied to claims 6 and 7 above, and in further view of Podolsky, U.S. Patent Application Publication No. 2004/0215694.

As per claim 9, the combined system of McIlhany et al. does not specifically teach the utilization of a Macromedia Flash graphical environment.

Podolsky teaches a building automation which utilizes a Macromedia Flash graphical environment (e.g. [0013]).

It would have been obvious to incorporate the feature taught by Podolsky into the combined system of McIlhany et al. for the purpose of allowing a true two-way web-based touch screen control system interface (e.g. [0013]).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.
Patent Examiner
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January 5, 2006

Anthony Knight
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